

REMARKS

In the 11/15/04 Office Action, the Examiner requests the restriction to one of the following inventions under 35 U.S.C. 121: Group I, Claims 1-10 drawn to a stripe layout assembly or Group II, Claims 11-20 also drawn to a stripe layout assembly. Applicant provisionally elects to prosecute the claims of Group II and reserves the right to take appropriate measures as deemed necessary to protect the invention set forth in the claims of Group I.

Although it is stated in the Office Action that the inventions of the Group I and II claims are distinct, Applicant respectfully submits that the combinations set forth in the Group I and Group II Claims are not distinct and that the restriction be withdrawn.

The Group I Claims relate to a stripe layout assembly having an elongated arm member constructed and arranged for connection to a paint striping machine and the Group II Claims relate to a stripe layout assembly having means to attach the assembly to a paint striping machine. The Specification clearly sets forth that the Group II Claims are within the scope of the Group I Claims.

Under 35 U.S.C. 112 Paragraph 6, an element in a claim for a combination may be expressed as a means for performing a specified function without the recital of structure and such claim shall be construed to cover the corresponding structure described in the specification and equivalents thereof.

Because the stripe layout assemblies of the respective Claim Groups both require attachment of the assembly to a paint striping machine, it is respectfully requested that the restriction requirement be withdrawn.

In view of these remarks, it is believed that an action on the merits on both the Group I and Group II Claims is in order and such is respectfully requested.

Respectfully submitted,

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Dated: 1 December 2004